

MAR 24 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Miriam Nayely LOPEZ-Hernandez (1986/MEX.)

Case No. 7:21mj637-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 24, 2021 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC § 952
21 USC § 841

Offense Description

knowingly and intentionally import into the United States from Mexico approximately 51.78 kg. of Methamphetamine a Schedule II controlled substance, and did knowingly and intentionally possess with the intent to distribute approximately 51.78 kg of Methamphetamine

This criminal complaint is based on these facts:

See "Attachment A"

☐ Continued on the attached sheet.

Complaint authorized by AUSA Scott Greenbaum

Submitted by reliable electronic means, sworn to
and attested to telephonically per Fed. R. Cr.4.1, and
probable cause found on:Date: 03/24/2021 @ 8:41City and state: McAllen, TX

/s/ Shane Petrosky

Complainant's signature

Shane Petrosky / Special Agent

Printed name and title

Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On March 24, 2021, Miriam Nayely LOPEZ-Hernandez attempted to make entry into the United States via the Hidalgo, Texas Port of Entry while driving a Silver Ford Escape. At pre-primary inspection, Customs and Border Protection Officer (CBPO) Efrain Gonzalez conducted a visual inspection of the vehicle's undercarriage where he observed scratches and new lead weights on all four tires, indicating they were recently mounted. He further observed the tires looked cleaner than the rest of the vehicle and appeared to have new valves. CBPO Gonzalez questioned LOPEZ-Hernandez about the tires who stated she had one tire replaced the previous day and all four tires replaced approximately twenty (20) days prior.

CBPO Gonzalez escorted the vehicle to primary inspection where he utilized a density meter on the tires which yielded an abnormal reading. CBPO Gonzalez advised primary inspection CBPO J. Canales to refer the vehicle to secondary for further inspection.

At secondary inspection, the vehicle was scanned utilizing the Z-Portal imaging machine where anomalies were observed in all four tires. Also, at secondary inspection, a CBP narcotics detection K-9 positively alerted to the odor of narcotics emanating from the rear of the vehicle. A subsequent search of the tires revealed twenty-four (24) packages containing a white crystalline substance weighing approximately 51.78 kilograms. The white crystalline substance in the packages field tested positive for the properties of methamphetamine. A GPS tracker and microphone were also discovered concealed in the dash of the vehicle.

During an interview by Homeland Security Investigations, McAllen, Texas (HSI McAllen) Special Agents and a CBP Enforcement Officer, LOPEZ-Hernandez claimed ownership of the vehicle and stated she was traveling to her place of employment in Pharr, Texas where she had been employed for two weeks. LOPEZ-Hernandez provided business documentation for her place of employment which appeared fictitious. A physical search at the address revealed the location was operated by a completely different business than what LOPEZ-Hernandez claimed. Furthermore, the business phone number on the paperwork was not a working number.

LOPEZ-Hernandez stated her tire was damaged twenty (20) days prior and that was the last time she had maintenance work performed on her vehicle. A review of crossing history revealed that on March 17, 2021 (seven days prior), she was referred to secondary inspection upon entry to the United States where her vehicle was scanned, and no anomalies were observed in the tires.

LOPEZ-Hernandez stated the night before she was at a bar with her boyfriend whose last name she did not know. A search of her phone revealed text messages from the phone number identified as her boyfriend asking where she was at the time when she claimed to be together which contradicted her statements. Although LOPEZ-Hernandez claimed only she and her boyfriend had access to her vehicle after the tires were changed twenty (20) days prior, phone messages indicate she delivered the vehicle to unknown persons the night prior to her arrest.